

ITEM 7 - Action
September 21, 2005

Endorsement of Efforts to Identify Dedicated Funding for the
Washington Metropolitan Area Transit Authority (WMATA)

Staff

Recommendation: Adopt Resolution R3-2006 to endorse continuing efforts to identify dedicated funding for WMATA.

Issues: None

Background: On January 19, 2005, the TPB endorsed the report of the Blue Ribbon Panel, cosponsored by the Metropolitan Washington Council of Governments, the Greater Washington Board of Trade, and the Federal City Council, which recommended establishing dedicated funding sources for WMATA. On July 28, 2005 Congressman Tom Davis introduced the National Capital Transportation Amendments Act of 2005 (which is attached) authorizing \$1.5 billion in federal capital funds, to be provided over 10 fiscal years beginning in FY 2007, contingent on the funds being matched with state/local dedicated funding. The Board will be briefed on the attached bill and on an October 3 summit meeting of state and local officials called to address dedicated funding for WMATA.

**NATIONAL CAPITAL REGION TRANSPORTATION PLANNING BOARD
777 North Capitol Street, N.E.
Washington, D.C. 20002**

**RESOLUTION ENDORSING CONTIUIING EFFORTS
TO IDENTIFY DEDICATED FUNDING FOR
THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY (WMATA)**

WHEREAS, the National Capital Region Transportation Planning Board (TPB) has been designated by the Governors of Maryland and Virginia and the Mayor of the District of Columbia as the Metropolitan Planning Organization (MPO) for the Washington Metropolitan Area; and

WHEREAS, in each year's update of the Constrained Long-Range Transportation Plan (CLRP) since 2000, the TPB has explicitly accounted for the funding uncertainties affecting the Metrorail system capacity and levels of service beyond 2005 by constraining transit ridership to or through the core area to 2005 levels; and

WHEREAS, as a result of the recent "Metro Matters" commitments for Metro's near-term funding, the transit ridership constraint to or through the core area is being applied in the 2005 CLRP conformity analysis using 2010 ridership levels rather than 2005 levels; and

WHEREAS, in February 2004 the TPB issued a report, *Time to Act*, concluding that substantial additional financial commitment at federal, state, regional, and local levels is necessary to meet WMATA's capital funding needs, and

WHEREAS, a number of entities (including the U.S. Government Accountability Office, the Brookings Institution, and the Northern Virginia Transportation Authority) have documented the financial difficulties faced by the Washington Metropolitan Area Transit Authority ("WMATA"), and have suggested or called for an independent analysis of the need for and potential creation of one or more dedicated revenue sources for WMATA; and

WHEREAS, on September 8, 2004, the Metropolitan Washington Council of Governments ("COG"), joined by the Greater Washington Board of Trade and the Federal City Council authorized the creation of a Blue Ribbon Panel to verify and quantify WMATA's current and future financial needs, to catalog and analyze potential alternative dedicated revenue sources for WMATA, and to make such findings, conclusions, and recommendations as the panel deemed financially and legally workable and appropriate; and

WHEREAS, the Blue Ribbon Panel issued its report on January 6, 2005 and recommended that WMATA compact jurisdictions implement a regional dedicated revenue source to address projected shortfalls for capital maintenance and system enhancements, and further recommended that the federal government participate significantly in addressing projected shortfalls, and

WHEREAS, on January 19, 2005 the TPB approved Resolution R13-2005 endorsing the Report of the Panel, and its analysis, findings, conclusions, and recommendations; and

WHEREAS, on July 28, 2005 Congressman Tom Davis introduced a bill (National Capital Transportation Amendments Act of 2005) authorizing \$1.5 billion in federal capital funds, to be provided over 10 fiscal years beginning in FY 2007, contingent on the funds being matched with state/local dedicated funding; and

WHEREAS, the commitment of the \$1.5 billion in federal and \$1.5 billion state and local capital funding would address the funding uncertainties affecting the Metrorail system capacity and levels of service beyond 2010, and permit the TPB to remove the transit ridership constraint in the air quality conformity analysis for the CLRP; and

WHEREAS, a summit meeting will be held on October 3, 2005 to seek a regional commitment to actively pursue dedicated funding, examine proposed amendments to the WMATA compact, and identify target amounts to be raised through dedicated revenue sources and how dedicated funding responsibilities could be shared by compact jurisdictions;

NOW THEREFORE BE IT RESOLVED THAT THE NATIONAL CAPITAL REGION TRANSPORTATION PLANNING BOARD

- Emphasizes the criticality of identifying the additional funding required to meet the preservation, rehabilitation, safety, security, and capacity expansion needs of the Metrorail and Metrobus system, so that the transit ridership constraint currently included in the region's Constrained Long-Range Transportation Plan can be removed.
- Expresses its deep appreciation and strong support for efforts by Congressman Tom Davis and the region's congressional delegation to provide significant federal funding to meet WMATA's needs, and for all efforts, including the October 3 summit, to identify dedicated funding for WMATA as called for in the proposed National Capital Transportation Amendments Act of 2005.
- Encourages TPB members and other interested state and local officials to participate in the summit to be held on October 3, 2005.

HR 3496 IH

109th CONGRESS

1st Session

H. R. 3496

To amend the National Capital Transportation Act of 1969 to authorize additional Federal contributions for maintaining and improving the transit system of the Washington Metropolitan Area Transit Authority, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

July 28, 2005

Mr. TOM DAVIS of Virginia (for himself, Mr. WOLF, Mr. HOYER, Ms. NORTON, Mr. MORAN of Virginia, Mr. WYNN, Mr. VAN HOLLEN, and Mr. CARDIN) introduced the following bill; which was referred to the Committee on Government Reform

A BILL

To amend the National Capital Transportation Act of 1969 to authorize additional Federal contributions for maintaining and improving the transit system of the Washington Metropolitan Area Transit Authority, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; FINDINGS.

(a) Short Title- This Act may be cited as the `National Capital Transportation Amendments Act of 2005'.

(b) Findings- Congress finds as follows:

(1) Metro, the public transit system of the Washington metropolitan area, is essential for the continued and effective performance of the functions of the Federal Government, and for the orderly movement of people during major events and times of regional or national emergency.

(2) On 3 occasions, Congress has authorized appropriations for the construction and capital improvement needs of the Metrorail system.

(3) Additional funding is required to protect these previous Federal investments and ensure the continued functionality and viability of the original 103-mile Metrorail system.

SEC. 2. FEDERAL CONTRIBUTION FOR CAPITAL PROJECTS FOR WASHINGTON METROPOLITAN AREA TRANSIT SYSTEM.

The National Capital Transportation Act of 1969 (sec. 9-1111.01 et seq., D.C. Official Code) is amended by adding at the end the following new section:

AUTHORIZATION OF ADDITIONAL FEDERAL CONTRIBUTION FOR CAPITAL AND PREVENTIVE MAINTENANCE PROJECTS

SEC. 18. (a) Authorization- Subject to the succeeding provisions of this section, the Secretary of Transportation is authorized to make grants to the Transit Authority, in addition to the contributions authorized under sections 3, 14, and 17, for the purpose of financing in part the capital and preventive maintenance projects included in the Capital Improvement Program approved by the Board of Directors of the Transit Authority.

(b) Use of Funds- The Federal grants made pursuant to the authorization under this section shall be subject to the following limitations and conditions:

(1) The work for which such Federal grants are authorized shall be subject to the provisions of the Compact (consistent with the amendments to the Compact described in subsection (d)).

(2) Each such Federal grant shall be for 50 percent of the net project cost of the project involved, and shall be provided in cash from sources other than Federal funds or revenues from the operation of public mass transportation systems. Consistent with the terms of the amendment to the Compact described in subsection (d)(1), any funds so provided shall be solely from undistributed cash surpluses, replacement or depreciation funds or reserves available in cash, or new capital.

(c) Applicability of Requirements for Mass Transportation Capital Projects Receiving Funds Under Federal Transportation Law- Except as specifically provided in this section, the use of any amounts appropriated pursuant to the authorization under this section shall be subject to the requirements applicable to capital projects for which funds are provided under chapter 53 of title 49, United States Code, except to the extent that the Secretary of Transportation determines that the requirements are inconsistent with the purposes of this section.

(d) Amendments to Compact- No amounts may be provided to the Transit Authority pursuant to the authorization under this section until the Transit Authority notifies the Secretary of Transportation that each of the following amendments to the Compact (and any further amendments which may be required to implement such amendments) have taken effect:

(1) An amendment requiring all payments made by the local signatory governments for the Transit Authority and for the cost of operating and maintaining the adopted regional system are made from amounts derived from dedicated funding sources. For purposes of this paragraph, a 'dedicated funding source' is any source of funding which is earmarked and required under State or local law to be used for payments to the Transit Authority.

(2) An amendment establishing the Office of the Inspector General of the Transit Authority in accordance with section 3 of the National Capital Transportation Amendments Act of 2005.

(3) An amendment expanding the Board of Directors of the Transit Authority to include two additional Directors appointed by the Administrator of General Services, one of whom shall be nonvoting.

(e) Amount- There are authorized to be appropriated to the Secretary of Transportation for grants under this section an aggregate amount not to exceed \$1,500,000,000 to be available in increments over 10 fiscal years beginning in fiscal year 2007, or until expended.

`(f) Availability- Amounts appropriated pursuant to the authorization under this section--

`(1) shall remain available until expended; and

`(2) shall be in addition to, and not in lieu of, amounts available to the Transit Authority under chapter 53 of title 49, United States Code, or any other provision of law.'

SEC. 3. WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY INSPECTOR GENERAL.

(a) Establishment of Office-

(1) IN GENERAL- The Washington Metropolitan Area Transit Authority (hereafter referred to as the `Transit Authority') shall establish in the Transit Authority the Office of the Inspector General (hereafter in this section referred to as the `Office'), headed by the Inspector General of the Transit Authority (hereafter in this section referred to as the `Inspector General').

(2) DEFINITION- In paragraph (1), the `Washington Metropolitan Area Transit Authority' means the Authority established under Article III of the Washington Metropolitan Area Transit Authority Compact (Public Law 89-774).

(b) Inspector General-

(1) APPOINTMENT- The Inspector General shall be appointed by the vote of a majority of the Board of Directors of the Transit Authority, and shall be appointed without regard to political affiliation and solely on the basis of integrity and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigations, as well as familiarity or experience with the operation of transit systems.

(2) TERM OF SERVICE- The Inspector General shall serve for a term of 5 years, and an individual serving as Inspector General may be reappointed for not more than 2 additional terms.

(3) REMOVAL- The Inspector General may be removed from office prior to the expiration of his term only by the unanimous vote of all of the members of the Board of Directors of the Transit Authority, and the Board shall communicate the reasons for any such removal to the Governor of Maryland, the Governor of Virginia, the Mayor of the District of Columbia, the chair of the Committee on Government Reform of the House of Representatives, and the chair of the Committee on Homeland Security and Governmental Affairs of the Senate.

(c) Duties-

(1) APPLICABILITY OF DUTIES OF INSPECTOR GENERAL OF EXECUTIVE BRANCH ESTABLISHMENT- The Inspector General shall carry out the same duties and responsibilities with respect to the Transit Authority as an Inspector General of an establishment carries out with respect to an establishment under section 4 of the Inspector General Act of 1978 (5 U.S.C. App. 4), under the same terms and conditions which apply under such section.

(2) CONDUCTING ANNUAL AUDIT OF FINANCIAL STATEMENTS- The Inspector General shall be responsible for conducting the annual audit of the financial accounts of the Transit Authority, either directly or by contract with an independent external auditor selected by the Inspector General.

(3) REPORTS-

(A) SEMIANNUAL REPORTS TO TRANSIT AUTHORITY- The Inspector General shall prepare and submit semiannual reports summarizing the activities of the Office in the same manner, and in accordance with the same deadlines, terms, and conditions, as an Inspector General of an establishment under section 5 of the Inspector General Act of 1978 (5 U.S.C. App. 5). For purposes of applying section 5 of such Act to the Inspector General, the Board of Directors of the Transit Authority shall be considered the head of the establishment, except that the Inspector General shall transmit to the General Manager of the Transit Authority a copy of any report submitted to the Board pursuant to this paragraph.

(B) ANNUAL REPORTS TO LOCAL SIGNATORY GOVERNMENTS AND CONGRESS- Not later than March 31 of each year, the Inspector General shall prepare and submit a report summarizing the activities of the Office during the previous year, and shall submit such reports to the Governor of Maryland, the Governor of Virginia, the Mayor of the District of Columbia, the chair of the Committee on Government Reform of the House of Representatives, and the chair of the Committee on Homeland Security and Governmental Affairs of the Senate.

(4) INVESTIGATIONS OF COMPLAINTS OF EMPLOYEES AND MEMBERS-

(A) AUTHORITY- The Inspector General may receive and investigate complaints or information from an employee or member of the Transit Authority concerning the possible existence of an activity constituting a violation of law, rules, or regulations, or mismanagement, gross waste of funds, abuse of authority, or a substantial and specific danger to the public health and safety.

(B) NONDISCLOSURE- The Inspector General shall not, after receipt of a complaint or information from an employee or member, disclose the identity of the employee or member without the consent of the employee or member, unless the Inspector General determines such disclosure is unavoidable during the course of the investigation.

(C) PROHIBITING RETALIATION- An employee or member of the Transit Authority who has authority to take, direct others to take, recommend, or approve any personnel action, shall not, with respect to such authority, take or threaten to take any action against any employee or member as a reprisal for making a complaint or disclosing information to the Inspector General, unless the complaint was made or the information disclosed with the knowledge that it was false or with willful disregard for its truth or falsity.

(5) INDEPENDENCE IN CARRYING OUT DUTIES- Neither the Board of Directors of the Transit Authority, the General Manager of the Transit Authority, nor any other member or employee of the Transit Authority may prevent or prohibit the Inspector General from carrying out any of the duties or responsibilities assigned to the Inspector General under this section.

(d) Powers-

(1) IN GENERAL- The Inspector General may exercise the same authorities with respect to the Transit Authority as an Inspector General of an establishment may exercise with respect to an establishment under section 6(a) of the Inspector General Act of 1978 (5 U.S.C. App. 6(a)), other than paragraphs (7), (8), and (9) of such section.

(2) STAFF-

(A) ASSISTANT INSPECTOR GENERALS AND OTHER STAFF- The Inspector General shall appoint and fix the pay of--

(i) an Assistant Inspector General for Audits, who shall be responsible for coordinating the activities of the Inspector General relating to audits;

(ii) an Assistant Inspector General for Investigations, who shall be responsible for coordinating the activities of the Inspector General relating to investigations; and

(iii) such other personnel as the Inspector General considers appropriate.

(B) INDEPENDENCE IN APPOINTING STAFF- No individual may carry out any of the duties or responsibilities of the Office unless the individual is appointed by the Inspector General, or provides services procured by the Inspector General, pursuant to this paragraph. Nothing in this subparagraph may be construed to prohibit the Inspector General from entering into a contract or other arrangement for the provision of services under this section.

(C) APPLICABILITY OF TRANSIT SYSTEM PERSONNEL RULES- None of the regulations governing the appointment and pay of employees of the Transit System shall apply with respect to the appointment and compensation of the personnel of the Office, except to the extent agreed to by the Inspector General. Nothing in the previous sentence may be construed to affect subparagraphs (A) through (B).

(3) EQUIPMENT AND SUPPLIES- The General Manager of the Transit Authority shall provide the Office with appropriate and adequate office space, together with such equipment, supplies, and communications facilities and services as may be necessary for the operation of the Office, and shall provide necessary maintenance services for such office space and the equipment and facilities located therein.

(e) Transfer of Functions- To the extent that any office or entity in the Transit Authority prior to the appointment of the first Inspector General under this section carried out any of the duties and responsibilities assigned to the Inspector General under this section, the functions of such office or entity shall be transferred to the Office upon the appointment of the first Inspector General under this section.

SEC. 4. RESTRICTIONS ON DISPOSITION OF CERTAIN PROPERTIES.

(a) Prohibition on Disposition of Certain Property-

(1) IN GENERAL- The Washington Metropolitan Area Transit Authority (hereafter in this section referred to as the `Transit Authority') may not sell, lease, or otherwise convey or dispose of the property described in paragraph (2).

(2) PROPERTY DESCRIBED- The property described in this subsection consists of approximately 3.75 acres located in Fairfax County, Virginia, and is contained in all or part of the following parcels on the Fairfax County tax map:

(A) Parcel 48--1((1)), 90 Portion.

(B) Parcel 48--1((1)), 91B Portion.

(C) Parcel 48--1((6)), 7A.

(D) Parcel 48--1((6)), 8B.

(E) Parcel 48--1((24)), 38A.

(b) Conditions for Disposition of Certain Property-

(1) IN GENERAL- The Transit Authority may not sell, lease, or otherwise convey or dispose of the property described in paragraph (2) unless the Transit Authority meets each of the following conditions:

(A) The Transit Authority has met with the Mayor and members of the Council of the City of Takoma Park, Maryland, and community representatives designated by the Mayor to discuss concerns related to the disposition of such property.

(B) The Transit Authority has presented a development plan for the property which--

(i) facilitates the movement of buses and other vehicular traffic, pedestrians, and bicycles to and from the Takoma Metrorail station, and provides sufficient bus bays so that the development of the property will not cause a direct increase in traffic, congestion, or pollution in neighborhoods surrounding the station; and

(ii) preserves and enhances public green space on the property.

(C) The Transit Authority has submitted a statement to the Committee on Government Reform of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate certifying that the Transit Authority has met the conditions described in subparagraphs (A) and (B).

(2) PROPERTY DESCRIBED- The property described in this paragraph consists of Lots 820, 821, 822, 823, 829, 831, 832, 833, 839, 840, 841, 845, 846, 847, 848, 849, 850, and 851 in Square 3352 and Lots 811, 812, and 813 in Square 3353 of the District of Columbia Real Property Assessment Database.

(c) Restrictions on Development of Certain Properties-

(1) RESTRICTION- The Transit Authority may not sell, lease, or otherwise convey any of the real property described in paragraph (2) other than in accordance with a development plan for the property which meets the following requirements:

(A) The plan shall require that any portion of the property used for residential purposes shall be used only for owner-occupied, multi-family dwellings.

(B) The plan must provide for the use of a portion of the property for commercial purposes.

(C) The plan shall be developed in consultation with appropriate representatives of the local governments and communities for the area in which the property is located.

(2) PROPERTY DESCRIBED- The property described in this paragraph is any real property of

the Transit Authority which is located within one mile of the Largo Town Center Metro Rail Station.

(d) No Effect on Other Authorities- Except as specifically provided, nothing in this section may be construed to affect any law, rule, or regulation governing the development or disposition of real property of the Transit Authority.

SEC. 5. STUDY AND REPORT BY COMPTROLLER GENERAL.

(a) Study- The Comptroller General shall conduct a study on the use of the funds provided under section 18 of the National Capital Transportation Act of 1969 (as added by this Act).

(b) Report- Not later than 3 years after the date of the enactment of this Act, the Comptroller General shall submit a report to the Committee on Government Reform of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate on the study conducted under subsection (a).

END